



POLICY REPORT DEVELOPMENT AND BUILDING

Report Date: April 30, 2013
Author: Michael Naylor
Phone No.: 604.871.6269
RTS No.: 10074
VanRIMS No.: 08-2000-20
Meeting Date: May 15, 2013

TO: Vancouver City Council
FROM: General Manager of Planning and Development Services
SUBJECT: CD-1 Text Amendment: 2678 West Broadway

RECOMMENDATION

- A. THAT the application by Pear Tree Education, on behalf of D. Bonnis & Sons Ltd., to amend the text of CD-1 (158) By-law No. 5705 for 2678 West Broadway [PID: 006-851-401, Lot C, except part in Air Space Plan 20409, Block 22 District Lot 192 Plan 20165] to add "School - Elementary or Secondary" as a permitted use in an existing building, be referred to a Public Hearing, together with:
- (i) draft CD-1 By-law amendments, generally as presented in Appendix A; and
 - (ii) the recommendation of the General Manager of Planning and Development Services to approve.

FURTHER THAT the Director of Legal Services be instructed to prepare the necessary amending by-law generally in accordance with Appendix A for consideration at Public Hearing.

- B. THAT Recommendation A be adopted on the following conditions:
- (i) THAT the passage of the above resolutions creates no legal rights for the applicant or any other person, or obligation on the part of the City; any expenditure of funds or incurring of costs is at the risk of the person making the expenditure or incurring the cost;
 - (ii) THAT any approval that may be granted following the Public Hearing shall not obligate the City to enact a bylaw rezoning the property, and any costs incurred in fulfilling requirements imposed as a condition of rezoning are at the risk of the property owner; and

- (iii) THAT the City and all its officials, including the Approving Officer, shall not in any way be limited or directed in the exercise of their authority or discretion, regardless of when they are called upon to exercise such authority or discretion.

REPORT SUMMARY

This report presents staff's assessment of an application to amend the text of CD-1 By-law (158) for 2678 West Broadway, to add "School - Elementary or Secondary" as a permitted use. If approved, the amendment would allow Pear Tree Education to share its existing premises with Madrona School Society, which would operate a private elementary school that is anticipated to serve approximately 30 students from Grades 1 through 7. In conjunction with the rezoning application, Pear Tree Education has also applied for a development permit (no. DE416695) to establish the elementary school use within the existing building. No expansion of the building's floor area is proposed in either application.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

- CD-1 (158) By-law No. 5705, enacted September 20, 1983 and amended up to November 2, 1999

REPORT

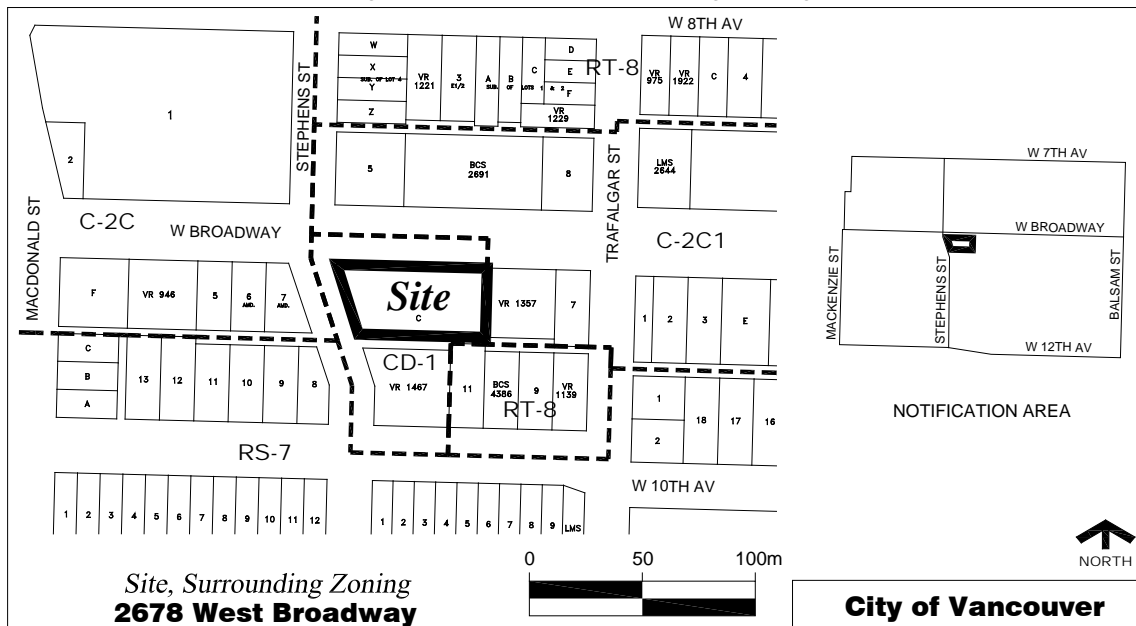
Background/Context

The existing four-storey mixed-use building on this site was approved through a CD-1 rezoning in 1983. At that time, the building was comprised of retail on the ground floor, office on the second level, and 21 two-storey residential units on the third and fourth floors. In 2011, Pear Tree Education, a learning centre that provides after-school group enrichment classes, leased and combined two office units on the second level. The City issued a development permit to change the use of the space from "Office" to "School - Arts or Self-Improvement". Pear Tree Education currently occupies 265 m² (2,855 sq. ft.) of the 1,561.8 m² (16,811 sq. ft.) of office space originally approved for the building. The learning centre's space can be occupied by a maximum of 50 people.

Pear Tree Education now wishes to time-share its facilities with Madrona School Society. This society currently operates a small private elementary school in 74.3 m² (800 sq. ft.) of space at 2050 West 10th Avenue, approximately six blocks away from the subject site. Enrolment is currently at 21 students, with four full-time teachers and one teacher assistant. Enrolment at the school has been growing steadily resulting in the need for a larger premises.

At the subject site, the Madrona School would operate at opposite hours to the Pear Tree learning centre, allowing for sharing of the same leased space. Madrona would operate on weekdays from 8 am to 3:30 pm, while Pear Tree Education would operate on weekday afternoons from 4 pm to 7 pm and on Saturday mornings. Enrolment at the Madrona School would increase to approximately 30 students.

Figure 1: Site and Surrounding Zoning



Strategic Analysis

The proposed "School - Elementary or Secondary" use is classified as an institutional use. Institutional uses were not included in the CD-1 By-law for 2678 West Broadway, as none were anticipated at the time of the 1983 rezoning, but "School - Elementary or Secondary" use is permitted in the surrounding residential and commercial districts. Based on compatibility of the proposed use with the surrounding zoning and land uses, and on its suitability and scale as proposed within the existing building, staff support the text amendment.

The subject site is located on a major arterial and is well served by transit, with several bus routes located within one block of the site. The Parking By-law standards for elementary schools are based on the number of teachers. Two parking spaces are required for every three employees and the proposed site has two designated private parking spaces as part of the lease agreement. Currently five out of the six staff members of Madrona School do not own a vehicle and instead use other modes of travel. Engineering Services has reviewed the application and have no objections to the proposed text amendment and development permit application, provided that the applicant satisfies a condition of the development permit to provide a letter report after one year, advising of the modal split at that time, as well, as any other measures that have been implemented since to improve the modal split.

The draft by-law amendments are contained in Appendix A. It is proposed that, in addition to adding "School - Elementary or Secondary" use, the wording in various sections of the CD-1 By-law be updated with new wording that reflects current practices.

Public Input

A site sign was installed on April 3, 2013 and a notification postcard, dated April 9, 2013, was sent to 607 surrounding property owners. No responses or comments were received from the public regarding the application.

Public Benefits

Development Cost Levies (DCLs) —Development Cost Levies (DCLs) are a growth-related charge on new development. As this rezoning is for a change of use to an existing building with no addition of floor area, there are no DCLs payable.

Community Amenity Contribution (CAC) — Real Estate Services have reviewed the application and have determined that the proposed rezoning does not result in an increase in land value (land lift). As there is no land lift associated with this rezoning, staff recommend that, in this particular case, a Community Amenity Contribution (CAC) is not appropriate.

Financial

As noted in the Public Benefits Section above, there are no Community Amenity Contributions or Development Cost Levies associated with this rezoning.

CONCLUSION

Staff conclude that the application to amend the text of the CD-1 By-law for 2678 West Broadway, to add "School - Elementary or Secondary" as a permitted use, is supportable. The General Manager of Planning and Development Services recommends that the application be referred to a public hearing, together with draft by-law amendments generally as contained in Appendix A, and that subject to the public hearing, it be approved.

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2678 West Broadway
DRAFT AMENDMENTS TO CD-1 (158) BY-LAW NO. 5705

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This by-law amends the indicated provisions of By-law No. 5705.
2. Council strikes out sections 3, 4, 5 and 6 and substitutes:

“3 Uses

- 3.1 The description of the area shown within the heavy black outline on Schedule A is CD-1 (158)
- 3.2 Subject to Council approval of the form of development, to all conditions, guidelines and policies adopted by Council, and to the conditions set out in this By-law or in a development permit, the only uses permitted within CD-1 (158), and the only uses for which the Director of Planning or Development Permit Board will issue development permits are:
 - (a) Dwelling Uses, limited to Multiple Dwelling and to Dwelling Units in conjunction with any use in this section 3.2;
 - (b) Institutional Uses, limited to School - Elementary or Secondary;
 - (c) Office Uses;
 - (d) Retail Uses;
 - (e) Service Uses; and
 - (f) Accessory Uses customarily ancillary to the uses listed in this section 3.2.

4 Conditions of Use

- 4.1 All institutional, office, retail and service uses must only be carried on in the Northerly Portion of CD-1 (158).

5 Floor Area and Density

- 5.1 Computation of floor area for the Northerly Portion must assume that the site consists of 1,884 m².
- 5.2 The maximum floor space ratio for the Northerly Portion must not exceed 3.00, except that the maximum floor space ratio for dwelling uses in the Northerly Portion must not exceed 1.09.
- 5.3 Computation of floor area for the Southerly Portion must assume that the site consists of 1,179 m².

- 5.4 The maximum floor space ratio for the Southerly Portion must not exceed 0.93.
- 5.5 Computation of floor area must include all floors of all buildings, having a minimum ceiling height of 1.2 m, including earthen floors and accessory buildings, both above and below ground level, to be measured to the extreme outer limits of the building.
- 5.6 Computation of floor area must exclude:
- (a) open residential balconies or sundecks and any other appurtenances which, in the opinion of the Director of Planning, are similar to the foregoing, provided that the total area of all exclusions does not exceed 8% of the residential floor area being provided;
 - (b) patios and roof gardens, provided that the Director of Planning first approves the design of sunroofs and walls;
 - (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used which:
 - (i) are at or below the base surface, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length, or
 - (ii) are above the base surface and where developed as off-street parking are located in an accessory building situated in the rear yard, provided that the maximum exclusion for a parking space shall not exceed 7.3 m in length;
 - (d) amenity areas, including child day care facilities, recreational facilities and meeting rooms accessory to a residential use, to a maximum total area of 10% of the total permitted floor area, provided that for child day care facilities the Director of Planning, on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood; and
 - (e) all residential storage space above or below base surface, except that if the residential storage space above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage space above base surface for that unit.
- 5.7 Computation of floor area may exclude:
- (a) enclosed residential balconies, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council and approves the design of any balcony enclosure, subject to the following:
 - (i) the total area of all open and enclosed balcony or sundeck exclusions does not exceed 8% of the residential floor area being provided; and

(ii) no more than 50% of the excluded balcony floor area may be enclosed.

5.8 The use of floor area excluded under sections 5.6 and 5.7 must not include any purpose other than that which justified the exclusion.

6 Height

6.1 The maximum height of a building in the Northerly Portion must not exceed 12.192 m.

6.2 The maximum height of a building in the Southerly Portion must not exceed 10.668 m."

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2678 West Broadway
APPLICANT, PROPERTY, AND DEVELOPMENT PROPOSAL INFORMATION

APPLICANT AND PROPERTY INFORMATION

Street Address	2678 West Broadway
Legal Description	PID: 006-851-401, Lot C, Except Part in Air Space Plan 20409, Block 22 District Lot 192 Plan 20165
Applicant/Architect	Pear Tree Education
Property Owner/Developer	D. Bonnie & Sons Ltd.

DEVELOPMENT STATISTICS

	Permitted Under Existing Zoning	Proposed
ZONING	CD-1	CD-1 (Amended)
USES	Office, Retail, Service, Residential	Office, Retail, Service, Residential, Institutional limited to School - Elementary or Secondary
MAX. FLOOR SPACE RATIO		No change
PARKING SPACES		No change

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